

Application No. 10/027,829
Amendment dated February 20, 2004
Reply to Office Action dated November 20, 2003

Remarks/Arguments

This paper is being filed in response to the Official Action of the Examiner mailed November 20, 2003, setting a three-month shortened statutory period for response ending February 20, 2004. Claims 1-32 remain pending. Reconsideration, examination and allowance of all pending claims are respectfully requested.

On page 2 of the Office Action, the Examiner rejected claim 30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that it is not clear what method steps the term “allowing” contemplate. Although Applicant respectfully disagrees, claim 30 has been amended to remove the term “allowing”. Claim 30 is now believed to fully comply with 35 U.S.C. § 112, second paragraph.

On page 2 of the Office Action, the Examiner rejected claims 1-32 under 35 U.S.C. § 103(a) as being unpatentable over Price (US 2002/0120539) in view of Robbins (US 2003/0182265). The Examiner states that Price suggests a method and system for distributing charitable donations. More specifically, and with respect to claims 1, 20, 24, 25, 30 and 32, the Examiner states that Price suggests the steps of: (1) receiving either directly or indirectly a donation from a contributor (citing Price, paragraphs [0028], [0029]); (2) assigning the donation to a particular donee (citing Price, paragraph [0029]) (emphasis added); (3) tracking the delivery of the donation and providing the location of the donee to the contributor (citing Price, paragraphs [0036], [0038]). The Examiner also states that Price specifies that the donation may

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be mailed directly to targeted donees {citing Price, paragraph [0029]}, and may be tracked via the internet (citing Price, paragraph [0036]).

On page 3 of the Office Action, the Examiner states that Price does not suggest obtaining the location of each donation at one or more points in time. However, the Examiner states that Robbins suggest a delivery tracking system, wherein a shipper of a package is able to track the delivery of the package via the Internet at one or more points in time (citing Robbins, paragraphs [0020], [0027]). The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Price to include obtaining the location of each donation at one or more points in time, because it would allow [a user] to retrace the delivery root in case the package is lost, thereby increasing the reliability of the system.

After careful review, Applicant must respectfully disagree. Claim 1 recites:

1. (Original) A method for increasing the participation of contributors that provide donations to an organization, the method comprising the steps of:

receiving either directly or indirectly a donation from a contributor;
assigning the donation to a delivery lot of cash, goods and/or services;
obtaining the location of the delivery lot at one or more points in time; and
providing the location of the delivery lot to the contributor.

As can be seen, claim 1 recites the step of assigning the donation to a delivery lot of cash, goods and/or services. After reviewing both Price and Robbins, it does not appear that either of these references teach or suggest this step. A brief summary of Price may be instructive. Price states:

This invention provides methods and systems for distributing charitable donations at the point of sale to qualified donees in the manner specified by the

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donor. In one embodiment, a process begins with a donor making at least one charitable donation to a charitable organization. The donor and the charitable organization will typically enter into an agreement, such as a charitable subscription agreement, specifying the manner in which the donation will be distributed. The subscription agreement may then be reduced into a computer recognizable format and transmitted to participating retailers for implementation, e.g., distribution at the point of sale. At the retail level, a customer produces goods or services for payment to the retailer.

(Price, paragraph [0021]) (Emphasis Added). As can be seen, in Price, the donor and the charitable organization enter into an agreement, such as a charitable subscription agreement, specifying the manner in which the donation will be distributed. The “donation” in Price appears to be purchase credits (e.g. coupons) for goods or services, which are credited at the point of sale when the customer (e.g. donee) produces the goods or services for payment at a retailer. That is, it is the customer that produces the goods or services. As such, Applicant does not see where Price discloses or suggests a “delivery lot” of cash, goods or services, as recited in claim 1. If the Examiner elects to maintain this rejection, Applicant respectfully requests that the Examiner specifically point out where in Price a “delivery lot” of cash, goods or services is provided.

In any event, Price clearly does not suggest assigning the donation to a delivery lot of cash, goods and/or services, as recited in claim 1. As the Examiner notes on Page 2 of the Office Action, Price may suggest “assigning the donation to a particular donee”, at least in an abstract sense. However, this is not what claim 1 recites. Claim 1 recites assigning a donation to a delivery lot of cash, goods and/or services. Thus, if anything, Price teaches away from the invention of claim 1.

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Since Price fail to suggest a delivery lot of cash, goods and/or services, as well as the step of assigning a donation to a delivery lot of cash, goods and/or services, Price cannot suggest the step of obtaining the location of the delivery lot at one or more points in time. For this step, the Examiner cites to paragraph [0038] of Price, which states in part:

The optional Donee Interface (126) may be any device or system that would allow a donee to retrieve information regarding charitable distributions such as the location, the size of the purchase credit, the applicable product, etc., such as an Interactive Voice Response ("IVR") system, a WEB TV interface, a personal computer with Internet access, or any other communication means suitable for this purpose.

(Emphasis Added). As can be seen, this passage of Price appears to suggest allowing a contributor to track the location of the point of sale at which the donated purchase credits (e.g. Coupons) were credited, and more specifically, what retailer the qualified customers (e.g. donees) produced the goods or services for payment to the retailer. As the Examiner notes on page 3 of the Office Action, Price may suggest "tracking the delivery of the donation and providing the location of the donee to the contributor", at least in an abstract sense. However, this is not what claim 1 recites. Claim 1 recites the step of obtaining the location of the delivery lot at one or more points in time, not the location of the donees as the Examiner suggests. Thus, if anything, Price would teach away from the invention recited in claim 1.

Robbins adds little to Price in this regard. Since neither Price nor Robbins teach or suggest a number of the steps of claim 1, it is axiomatic that the combination of Price and Robbins cannot render claim 1 obvious.

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For similar reasons to those given above with respect to claim 1, claims 20, 24, 25, 30 and 32 are also believed to be clearly patentable over Price and Robbins.

In addition, and specifically with respect to claim 25, claim 25 recites:

25. (Original) A method for increasing the participation of contributors that provide donations to an organization, the method comprising the steps of:

assigning selected donations to a common delivery lot for delivery to an ultimate destination; and

reporting information relating to the delivery of the delivery lot to contributors whose donations have been assigned to the delivery lot.

As can be seen, claim 25 recites the step of assigning selected donations to a common delivery lot for delivery to an ultimate destination (Emphasis Added). Nothing in Price or Robbins suggest assigning donations to a common delivery lot, and more particularly, a common delivery lot for delivery to an ultimate destination. Thus, for these additional reasons, claim 25 is also believed to be clearly patentable over Price in view of Robbins.

Claim 30 recites:

30. (Currently Amended) A method for increasing the participation of contributors that provide donations to an organization, the method comprising the steps of:

displaying one or more delivery lots to a contributor that need to be funding;

accepting a selection of ~~allowing contributors to select~~ one or more of the available delivery lots by the contributor, and accepting ~~provide~~ a donation thereto; and

sending a funded delivery lot once the delivery lot is fully funded.

As can be seen, claim 30 recites the steps of displaying one or more delivery lots to a contributor that need to be funding. Nothing in Price or Robbins appears to suggest this step. Claim 30

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further recites the step of accepting a selection of one or more of the available delivery lots by the contributor, and accepting a donation thereto. Again, nothing in Price or Robbins appears to suggest this step. Finally, claim 30 recites the step of sending a funded delivery lot once the delivery lot is fully funded. Yet again, nothing in Price or Robbins appears to suggest this step. If the Examiner elects to maintain this rejection, Applicant respectfully requests that the Examiner specifically point out where in Price or Robbins these steps are shown or suggested.

In view of the foregoing, Applicant believes that claims 1, 20, 24, 25, 30 and 32 are clearly patentable over Price in view of Robbins. For similar and other reasons, dependent claims 2-19, 21-23, 26-29 and 31 are also believed to be clearly patentable over Price in view of Robbins.

On page 6 of the Office Action, the Examiner states that a copy of the PTO-1449 Form was not provided to Applicant because the Information Disclosure Statement (IDS) is missing in the file. Applicant filed an IDS on January 16, 2002, citing two (2) U.S. Patents, and nine (9) non-patent references. Enclosed herewith is another copy of the Form-1449, along with a copy of the filing papers and return post card, evidencing receipt of the IDS by the USPTO on February 4, 2002. Also enclosed is another copy of the cited references. Applicant respectfully requests that the Examiner consider these references, and provide an initialed copy of the enclosed FORM-1449 in due course.

In view of the foregoing, Applicant believes that all pending claims 1-32 are now in condition for allowance. Reexamination and reconsideration are respectfully requested. If the

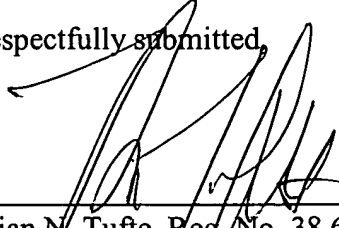
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Examiner believes it would be beneficial to discuss the application or its examination in any way,
please call the Applicant at (612) 359-9348.

Respectfully submitted,

Dated:

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